

Leasehold Reform (Ground Rent) Bill [HL]

AMENDMENTS TO BE MOVED ON REPORT

Clause 1

LORD GREENHALGH

Page 1, line 5, after second “a” insert “single”

Member’s explanatory statement

This amendment excludes leases of multiple dwellings from the definition of “regulated lease”.

Page 1, line 5, at end insert –

“(aa) it is granted for a premium,”

Member’s explanatory statement

This amendment provides that a lease will only be a regulated lease if it is granted for a premium. “Premium” is defined in Lord Greenhalgh’s first amendment to Clause 22, page 13, line 28.

Clause 2

LORD GREENHALGH

Page 2, leave out line 21 and insert “relevant authority”

Member’s explanatory statement

This amendment, with Lord Greenhalgh’s second amendment to Clause 22, page 13, line 28, allows the Welsh Ministers to make regulations under Clause 2(6)(b) in relation to premises in Wales.

Clause 9

LORD GREENHALGH

Page 7, line 10, leave out “£5,000” and insert “£30,000”

Member’s explanatory statement

This amendment increases the maximum penalty that an enforcement authority may impose.

Page 7, line 37, leave out subsection (9) and insert –

“(9) The relevant authority may by regulations amend this section so as to change the minimum amount or the maximum amount.”

Member’s explanatory statement

This amendment, with Lord Greenhalgh’s second amendment to Clause 22, page 13, line 28, enables the Welsh Ministers (instead of the Secretary of State) to make regulations changing the amount of the minimum and maximum penalties for breaches of Clause 3 in relation to leases of premises in Wales.

Page 7, line 39, leave out “Secretary of State” and insert “relevant authority”

Member’s explanatory statement

This amendment is consequential on Lord Greenhalgh’s amendment to Clause 9, page 7, line 37.

Clause 12

LORD GREENHALGH

Page 9, line 3, after “Act” insert “in relation to a lease of premises in England;

(b) the Welsh Ministers about the exercise of its functions under this Act in relation to a lease of premises in Wales.”

Member’s explanatory statement

This amendment requires enforcement authorities to have regard to guidance issued by the Secretary of State in relation to enforcement action in England and by the Welsh Ministers in relation to enforcement action in Wales.

Clause 13

LORD GREENHALGH

Page 9, line 24, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

This amendment, with Lord Greenhalgh’s amendment to Clause 17, page 11, line 17, requires applications for the recovery of prohibited rent paid under a lease of premises in Wales to be made to a leasehold valuation tribunal (instead of the First-tier Tribunal).

Page 9, line 36, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

This amendment is consequential on Lord Greenhalgh’s amendment to Clause 13, page 9, line 24.

Page 9, line 39, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

This amendment is consequential on Lord Greenhalgh’s amendment to Clause 13, page 9, line 24.

Clause 14

LORD GREENHALGH

Page 10, line 4, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

This amendment and Lord Greenhalgh’s amendment to Clause 14, page 10, line 5 are consequential on Lord Greenhalgh’s amendments to Clause 13, and enable a leasehold valuation tribunal to order interest to be paid on amounts of prohibited rent that it orders to be repaid to the tenant under that Clause.

Page 10, line 5, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

See the explanatory statement to Lord Greenhalgh’s amendment to Clause 14, page 10, line 4.

Clause 15

LORD GREENHALGH

Page 10, line 19, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

This amendment, with Lord Greenhalgh’s amendment to Clause 17, page 11, line 17, requires applications as to the effect of Clause 7 on the terms of a lease of premises in Wales to be made to a leasehold valuation tribunal (instead of the First-tier Tribunal).

Page 10, line 22, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

This amendment is consequential on Lord Greenhalgh’s amendment to Clause 15, page 10, line 19.

Page 10, line 24, leave out “Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

This amendment is consequential on Lord Greenhalgh’s amendment to Clause 15, page 10, line 19.

Page 11, line 1, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

This amendment is consequential on Lord Greenhalgh’s amendment to Clause 15, page 10, line 19.

Clause 16

LORD GREENHALGH

Page 11, line 12, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member's explanatory statement

This amendment is consequential on Lord Greenhalgh's amendments to Clause 13.

Clause 17

LORD GREENHALGH

Page 11, line 17, at beginning insert –

- “(1) For the purposes of sections 13 to 16 and the Schedule, the “appropriate tribunal” is –
- (a) in relation to a lease of premises in England, the First-tier Tribunal;
 - (b) in relation to a lease of premises in Wales, a leasehold valuation tribunal.”

Member's explanatory statement

This amendment defines the “appropriate tribunal” for the purposes of Lord Greenhalgh's amendments to Clauses 13 to 16 and the Schedule.

Page 11, line 19, at beginning insert “except in relation to section 16(1)(b),”

Member's explanatory statement

This amendment corrects the drafting of Clause 17(b) to reflect the fact that the right to apply to a tribunal for a declaration as to the effect of the Bill on the terms of a lease does not extend to a tenant's guarantor.

Clause 20

LORD GREENHALGH

Page 12, line 25, after “State” insert “and the Welsh Ministers”

Member's explanatory statement

This amendment extends the power to make consequential regulations to the Welsh Ministers.

Page 12, line 28, after first “Act” insert “of Parliament”

Member's explanatory statement

This amendment clarifies that the reference to an “Act” is to an Act of Parliament.

Page 12, line 29, at end insert –

- “(b) a Measure or Act of Senedd Cymru.”

Member's explanatory statement

This amendment allows regulations under Clause 20 to make consequential amendments to Measures or Acts of Senedd Cymru.

Page 12, line 29, at end insert –

- “(3) Regulations under subsection (1) made by the Welsh Ministers may contain only provision which, if contained in an Act of Senedd Cymru, would be within the legislative competence of the Senedd.

Clause 20 - continued

- (4) Regulations under subsection (1) made by the Secretary of State may not contain provision that could be contained in regulations under this section made by the Welsh Ministers, unless the Welsh Ministers consent.”

Member’s explanatory statement

This amendment provides that consequential regulations made by the Welsh Ministers may only make provision that would be within the legislative competence of Senedd Cymru, and that the Secretary of State may make consequential regulations that could be made by Welsh Ministers only with their consent.

Clause 21

LORD GREENHALGH

Page 13, line 2, after “Parliament,” insert “if the regulations are made by the Secretary of State, or

- (b) Senedd Cymru, if the regulations are made by the Welsh Ministers;”

Member’s explanatory statement

This amendment provides that the default procedure for regulations made under the Bill by the Welsh Ministers is the negative procedure.

Page 13, line 5, after “Act” insert “of Parliament, or a Measure or Act of Senedd Cymru;”

Member’s explanatory statement

This amendment requires affirmative procedure for consequential regulations under Clause 20 which amend Measures or Acts of Senedd Cymru.

Page 13, line 7, at end insert “, if the regulations are made by the Secretary of State, or

- (b) Senedd Cymru, if the regulations are made by the Welsh Ministers.”

Member’s explanatory statement

This amendment requires affirmative procedure for consequential regulations made by Welsh Ministers which amend Acts of Parliament, or Measures or Acts of Senedd Cymru.

Clause 22

LORD GREENHALGH

Page 13, line 28, at end insert –

““premium” means any consideration in money or money’s worth for the grant of a lease, other than rent;”

Member’s explanatory statement

See the explanatory statement for Lord Greenhalgh’s second amendment to Clause 1, page 1, line 5.

Page 13, line 28, at end insert –

““relevant authority” means –

- (a) in relation to a lease of premises in England, the Secretary of State;
- (b) in relation to a lease of premises in Wales, the Welsh Ministers;”

Member’s explanatory statement

This amendment defines “relevant authority” for the purpose of Lord Greenhalgh’s amendments to Clause 2, page 2, line 21 and Clause 9, page 7, lines 37 and 39.

Page 13, line 29, at end insert –

“(2A) A sum expressed to be payable in respect of rates, council tax, services, repairs, maintenance, insurance or other ancillary matters is not rent for the purposes of this Act merely because it is reserved as rent in the lease.”

Member’s explanatory statement

This amendment clarifies that service charges and similar payments are not to be treated as rent only because they are reserved as rent in the lease.

The Schedule

LORD GREENHALGH

Page 16, line 37, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

This amendment, with Lord Greenhalgh’s amendment to Clause 17, page 11, line 17, requires an appeal against action taken by an enforcement authority in relation to a lease of premises in Wales to be made to a leasehold valuation tribunal (instead of the First-tier Tribunal).

Page 17, line 13, leave out “First-tier Tribunal” and insert “appropriate tribunal”

Member’s explanatory statement

This amendment is consequential on Lord Greenhalgh’s amendment to the Schedule, page 16, line 37.

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13 July 2021
